

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARLOS GUATIMEA AGUIRRE and
SAVANNAH SHOSHANA SMITH,

Defendants.

CR 21–52–M–DLC

ORDER

Before the Court are two Findings & Recommendation Concerning Plea issued by United States Magistrate Judge Kathleen L. DeSoto. (Docs. 54; 60.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Defendant Carlos Guatimea Aguirre has pled guilty to one count of possession with intent to distribute methamphetamine and fentanyl, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Count II) and one count of possession of

a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i) (Count X), as charged in the Indictment. (Doc. 54 at 1.)

Defendant Savannah Shoshana Smith had pled guilty to one count of possession with intent to distribute methamphetamine and fentanyl, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Count I) and one count of drug user and addict in possession of firearms and ammunition, in violation of 18 U.S.C. § 922(g)(3) (Count II), as charged in the Superseding Information. (Doc. 60 at 1.) Judge DeSoto recommends these guilty pleas be accepted, and, finding no clear error, the Court will adopt it in full.

Accordingly, IT IS ORDERED that Judge DeSoto's findings and recommendations (Docs. 54; 60) are ADOPTED in full.

IT IS FURTHER ORDERED that Aguirre's and Smith's motions to change plea (Docs. 41; 43) are GRANTED.

IT IS FURTHER ORDERED Aguirre is adjudged guilty as charged in Counts II and X of the Indictment and Smith is adjudged guilty as charged in Counts I and II of the Superseding Information.

DATED this 25th day of May, 2022.



Dana L. Christensen, District Judge
United States District Court